

To the Members of the California State Senate:

I am returning Senate Bill 1322 without my signature.

This bill would require local governments to include in their housing plans an analysis of the need for emergency shelters and special needs facilities. Though the intentions of this bill are laudable, the specifics of the measure would place overly burdensome mandates on cities and counties.

Specifically, this measure would preclude a local government from considering the overall needs and concerns of its community by limiting its authority to condition or deny certain projects as would otherwise be allowed by law. Such mandated, or “by right,” zoning not only presumes that all California cities and counties have a need for these facilities, but also usurps local government discretion denies the impacted population groups the right to have their voice heard. Further, this measure would facilitate an unnecessary increase in litigation brought against cities and counties that would only result in a depletion of local government resources, rather than helping improve the availability of such facilities.

For these reasons I am returning this bill without my signature. However, I am signing AB 2634, which achieves similar results relative to the inclusion of emergency shelters in housing plans but without placing onerous burdens on local governments.

Sincerely,

Arnold Schwarzenegger